

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA 03-07
)	
W.A. HIRAI and ASSOCIATES, INC.)	
And Sam K. Hyun,)	
)	
Respondents.)	
_____)	

CONCILIATION AGREEMENT

On or around December 2002, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents, W.A. Hirai and Associates, Inc. ("Hirai") and Sam K. Hyun ("Hyun"). Hirai is listed with the Business Registration Division as providing services in mechanical engineering, whose business address is 1360 South Beretania Street, Suite 400, Honolulu, Hawaii. Sam K. Hyun is listed as president, with Avin S. Oshiro and Nimr Y. Tamimi as vice-presidents. Brian T. Akahoshi was listed as an officer prior to 2000. The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, Hirai and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.
- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or

corrective action taken by Respondents pursuant to section 11-216(g),
HRS.

- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondents waive the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
 - 1. On or around December 2002, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the Jeremy Harris campaign committee ("Harris"), the Ben Cayetano campaign committee ("Cayetano"), the Mazie Hirono campaign committee ("Hirono") and the Kimo Apana campaign committee ("Apana"), initiated an investigation involving excess contributions in violation of sections 11-204, HRS.
 - 2. Section 11-204(a)(1)(B), reads in part as follows: No person, other than a candidate for the candidate's own campaign or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year statewide office or to the candidate's committee in aggregate amount greater than \$6,000 during an election period.

3. Section 11-204(a)(1)(C), HRS, reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year nonstatewide office or to the candidate's committee in an aggregate amount greater than \$4,000 during an election period.
4. Section 11-204(h), HRS, reads in part as follows:...an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.
5. Section 11-202, HRS, reads in part as follows: No person shall make a contribution of the person's own money or property, or money or property of another person to any candidate, party, or committee in connection with a nomination for election, or election, in any name other than the true name of the person who owns the money or who supplied the money or property.
6. Hirai, employees and family members made contributions totaling \$30,000 to Harris, Cayetano, Hirono and Apana from 1996 to 2002.
7. Hirai, employees and family members made contributions totaling \$13,250 to the Harris campaign committee.
8. On or about October 25, 1996, the following persons made contribution to Harris:

Nimr Tamimi

\$250

Leila Tamimi, Sister of Nimr	\$250
Garren Yoshioka, Employee	\$250
Neolani Laeha, Secretary	\$250
Brain Akahoshi, Employee	\$250

9. On or about June 30, 1999, the following persons made contributions to Harris:

Nimr Tamimi	\$1,000
Sam Hyun	\$1,000
Sam Hyun	\$1,000
Brian Akahoshi,	\$1,000

10. On or about December 9, 1999, the following persons made contributions to Harris:

Sam Hyun	\$1,000
Wallace A. Hirai, Employee	\$1,000
Noelani Laeha	\$1,000

11. On or about January 2000, Nimr Tamimi made a contribution to Harris in the amount of \$1,000.
12. On or about April 2000, Avin Oshiro made a contribution to Harris in the amount of \$1,000.
13. On or about September 2000, Avin Oshiro and Garren S. Yoshioka, an employee each made a \$1,000 contribution to Harris
14. On or about December 2001, Avin Oshiro made a contribution to Harris in the amount of \$1,000.
15. That contributions from Hirai to Harris in the name of another person total \$9,250.
16. That six contributions in excess of the contribution limit from Hirai to Harris for the 2000 election period amount to \$6,000.

17. That Hirai, employees and family members made contributions to Cayetano in the amount of \$10,500.
18. On or about February 1996, Wallace A. Hirai and his wife, Mae Hirai each made a \$1,000 contribution to the Cayetano campaign.
19. On or about June 1997, Mae Hirai made a contribution to Cayetano in the amount of \$500.
20. On or about December 1997, the following persons made contributions to Cayetano:

Nimr Y. Tamimi	\$500
Shannon K. Tamimi	\$500
Leila Tamimi, sister of Nimr	\$1,000
21. On or about June 1998, the following persons made contributions to Cayetano:

Sam Hyun	\$500
Sam Hyun	\$1,000
Susong Hyun, wife of Sam Hyun	\$500
Wallace A. Hirai	\$1,000
Wallace A. Hirai	\$500
Wallace A. Hirai	\$500
Brian Akahoshi	\$1,000
Nimr Y. Tamimi	\$1,000
22. That contributions from Hirai to Cayetano in the name of another person amount to \$6,000.
23. That excess contributions from Hirai to Cayetano amount to \$4,500.
24. That Hirai, employees and family members made contributions to Hirono in the amount of \$3,750.

25. On or about June 16, 1997, Hirai made a contribution to Hirono in the amount of \$500.
26. On or about February 2, 1999, Sam Hyun made a contribution to Hirono in the amount of \$500.
27. On or about October 23, 2000, Nimr Y. Tamimi made a contribution to Hirono in the amount of \$500.
28. On or about May 22, 2002, Avin Oshiro made a contribution to Hirono in the amount of \$2,000.
29. On or about August 30, 2002, Hirai made a contribution to Hirono in the amount of \$250.
30. That contributions from Hirai to Hironi in the name of another person amount to \$2,000.
31. That Hirai and employees made contributions to Apana in the amount of \$2,500.
32. On or about June 1998, Hirai made a contribution to Apana in the amount of \$500.
33. On or about June, 2001 Nimr Y. Tamimi and Garren S. Yoshioka each made a \$1,000 contribution to Apana.
34. That contributions from Hirai to Apana in the name of another person amount to \$1,000.
35. That Hirai failed to file proper disclosure reports pursuant to sections 11-212 and 11-213, HRS.

VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #03-07, Hirai understands and agrees to the following:

(A) Hirai agrees to an assessment of **Nineteen Thousand Dollars (\$19,000)** pursuant to section 11-228, HRS.

- (1) For violation of section 11-202, HRS, making campaign contributions in the name of another to the Harris campaign committee;
- (2) For violation of section 11-202, HRS, making campaign contributions in the name of another to the Cayetano campaign committee;
- (3) For violation of section 11-202, HRS, making campaign contributions in the name of another to the Hirono campaign committee;
- (4) For violation of section 11-202, HRS, making campaign contributions in the name of another to the Apana campaign committee;
- (5) For violation of section 11-204(a)(1)(C), making excess campaign contributions to the Harris campaign committee;
- (6) For violation of section 11-204(a)(1)(B), making excess campaign contributions to the Cayetano campaign committee; and

(7) For violation of sections 11-212 and 11-213, HRS,
failure to file required disclosure reports.

(B) Hirai agrees to comply with campaign finance statutes on
contribution and expenditures to candidate committees.

(C) Terms of payment of the assessment shall be by Order of
the Commission.

VIII. The Commission upon its own motion or a written request of anyone filing
a complaint under section 11-216, HRS, may review compliance with the
Agreement. If the Commission believes that the Agreement has been
violated, it may institute administrative proceedings or a civil action in the
Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

IX. This Agreement shall become effective as of the date that all parties have
signed and the Commission has approved the entire Agreement.

X. This Agreement constitutes the entire agreement between the Commission
and Hirai on the matters raised herein, and no other statement, promise, or
agreement, either in writing or oral, not contained in this Agreement made
by either party or by agents of either party shall be enforceable.

XI. This Agreement, unless violated, shall be a complete bar to any further
action by the Commission with respect to the violations at issue in this
matter.

FOR THE COMMISSION:

Robert Y. Watada, Executive Director

By: _____

Date: _____

FOR THE RESPONDENT(S)

Sam K. Hyun

By: _____

(Name)

(Title)

Date: _____